

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00032

James Ralph Odom,
Plaintiff,

v.

Gregg County Sheriff's Department et al.,
Defendants.

ORDER


Plaintiff James Ralph Odom, proceeding pro se and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love. On December 8, 2023, Judge Love issued a report and recommendation pursuant to 28 U.S.C. § 1915A. Doc. 23. Judge Love recommended that the claims against the Gregg County Sheriff's Department and defendant Grizzle in his official capacity be dismissed without prejudice for lack of jurisdiction. *Id.* Judge Love recommended that the claims against defendant Ramo be dismissed with prejudice for failure to state a claim, and that the claims against the Doe defendants be dismissed without prejudice for failure to state a claim. *Id.* Judge Love recommended that the excessive force and RLUIPA claims against defendant Hoover be dismissed with prejudice for failure to state a claim. *Id.* Lastly, Judge Love recommended that the First Amendment claim against defendant Hoover and the excessive force and medical deliberate indifference claims against defendant Owens should proceed past the initial screening stage. *Id.* To date, no objections have been filed and the time period for doing so has passed.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it

contains no clear error, the court accepts its findings and recommendation. Doc. 23.

For the reasons stated in the report, the claims against the Gregg County Sheriff's Department and defendant Grizzle are dismissed without prejudice for lack of jurisdiction. The claims against defendant Ramo are dismissed with prejudice for failure to state a claim. The claims against the Doe defendants are dismissed without prejudice for failure to state a claim. The excessive force and RLUIPA claims against defendant Hoover are dismissed with prejudice for failure to state a claim. Plaintiff's First Amendment claim against defendant Hoover and excessive force and medical deliberate indifference claims against defendant Owens remain before the court on referral to the magistrate judge. The clerk shall terminate all other defendants from the docket.

So ordered by the court on March 6, 2024.



J. CAMPBELL BARKER
United States District Judge